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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 12/03/2009

Delphine M. James, Attorney-at-Law  
2656 South Loop West, Ste. 170  
Houston, TX 77054

EXAMINER

BROWN, MICHAEL A

ART UNIT

PAPER NUMBER

3772

DATE MAILED: 12/03/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,018

01/20/2004

Chuck Olson

8504

TITLE OF INVENTION: ERGONOMIC REFLEXOLOGY DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/03/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590 12/03/2009

Delphine M. James, Attorney-at-Law  
2656 South Loop West, Ste. 170  
Houston, TX 77054

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,018	01/20/2004	Chuck Olson		8504

TITLE OF INVENTION: ERGONOMIC REFLEXOLOGY DEVICE

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nonprovisional	YES	\$755	\$300	\$0	\$1055	03/03/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
BROWN, MICHAEL A	3772	601-135000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER
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BROWN, MICHAEL A

ART UNIT	PAPER NUMBER
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DATE MAILED: 12/03/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 207 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 207 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/760,018	OLSON, CHUCK	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL BROWN	3772	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephonic interview on 5-15-09.
2. ☒ The allowed claim(s) is/are 22-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other ____.   |

/Michael Brown/  
Primary Examiner, Art Unit 3772

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Delphine M. James on May 15, 2009.

The application has been amended as follows: IN THE CLAIMS:

Claims 1-21, have been canceled.

22. (New) A hand-held ergonomic reflexology device comprising: a handle, defined by an inner edge, lower edge, first end and opposite second end; a thumb support member being integrally connected to the first end of the handle in a substantially perpendicular relationship to a longitudinal axis of the handle-and protruding outwardly laterally along the inner edge near a distal end of the first end therefrom to a sensor tip portion having a semi-spherical shape extending beyond an outer peripheral edge of the thumb support member forming an apex point, the sensor tip portion being adapted to apply direct pressure to predetermined treatment areas on the body and the thumb support member being dimensioned to support the circumference of a user's thumb wherein while in use the user thumb rests in a natural position parallel to the plane of the palm and a groove formed in said thumb support, said groove forming an indentation and being of a width that extends along a substantial width between the edges of said thumb support in order to accommodate the width of the user's thumb.

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23. (New) The hand-held device of claim 22 wherein the handle is cylindrical.

24. (New) The hand-held device of claim 23 the handle and the thumb support member being dimensioned to fit within a user's hand, the groove of said thumb support member has a substantially partially enclosed elliptical shape being defined by an upper surface area disposed opposite a lower surface area, an inner curved peripheral edge extending from the tip portion proximally near the upper end of the outer edge of the handle and the inner curved peripheral edge extending from the tip portion to an arc therein.

25. (New) The hand-held device of claim 24, further comprising a means for transmitting the proprioceptive sensitivity from the sensor tip portion into the user's hand and forearm as pressure is applied to treatment area on the body.

26. (New) The hand-held device of claim 25, wherein the handle and thumb support member is made of a smooth, solid, rigid material.

27. (New) The hand-held device of claim 26, wherein said, smooth, solid, rigid material is wood.

28. (New) The hand-held device of claim 26, wherein said, smooth, solid, rigid material is plastic.

29. (New) The hand-held device of claim 22, wherein the thumb support member and the handle is dimensioned to fit a small, medium or large hand size.

30. (New) The hand-held device of claim 22, wherein the end of the handle is a rounded, blunt end for applying direct pressure to predetermine treatment areas on the human body.

31. (New) The hand-held device of claim 22, further comprising a means for transmitting the proprioceptive sensitivity from the sensor tip portion into the user's hand and forearm as pressure is applied to treatment areas on the body.

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32. (New) The hand-held device of claim 31, wherein the thumb support member and the handle is configured and sized to fit a small, medium or large size hand.

33. (New) The hand-held device of claim 32, wherein the opposite end of the handle has a round blunt end for applying direct pressure to predetermined treatment areas on the human body.

34. (New) The hand-held device of claim 33, further comprising an inner peripheral edge extending from the tip portion through an inner peripheral curved edge of the thumb support member and the inner edge of the handle and ending at the opposite end of the hand.

35. (New) The hand-held device of claim 22, wherein the thumb support member is sized and configured to accommodate the thumb of the right hand or left hand.

36. (New) A method of applying pressure to reflex points of the human body utilizing a hand-held device comprising a handle, defined by an inner edge, lower edge, first end and opposite second end; a thumb support member being integrally connected to the first end of the handle in a substantially perpendicular relationship to a longitudinal axis of the handle-and protruding outwardly laterally along the inner edge near a distal end of the first end therefrom to a sensor tip portion having a semi-spherical shape extending beyond an outer peripheral edge of the thumb support member forming an apex point, the sensor tip portion being adapted to apply direct pressure to predetermined treatment areas on the body and the thumb support member being dimensioned to support the circumference of a user's thumb wherein while in use the user thumb rests in a natural position parallel to the plane of the palm and a groove formed in said thumb support, said groove forming an indentation and being of a width that extends along a substantial width between the edges of said thumb support in order to accommodate the width of the user's thumb, protruding outwardly laterally along an inner edge near a distal end of the first end

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therefrom, the method comprising (a) locating a reflex point on the human body; (b) grasping the handle with the pinky, middle, and ring fingers of the user's hand with the handle in a vertical position in the palm of the user's hand therein, (c) placing the index finger on the backside of the thumb support member, (d) placing the bottom surface of the thumb in the center portion of the thumb support member, (e) applying adequate pressure to the located reflex point of the body with the tip portion of the thumb support member and (f) repeating step (e) until adequate treatment is applied to all predetermined reflex points of the body.

37 (New) A method of applying pressure to reflex points of the human body utilizing a hand-held device comprising a handle, defined by an inner edge, lower edge, first end and opposite second end; a thumb support member being integrally connected to the first end of the handle in a substantially perpendicular relationship to a longitudinal axis of the handle-and protruding outwardly laterally along the inner edge near a distal end of the first end therefrom to a sensor tip portion having a semi-spherical shape extending beyond an outer peripheral edge of the thumb support member forming an apex point, the sensor tip portion being adapted to apply direct pressure to predetermined treatment areas on the body and the thumb support member being dimensioned to support the circumference of a user's thumb wherein while in use the user thumb rests in a natural position parallel to the plane of the palm and a groove formed in said thumb support, said groove forming an indentation and being of a width that extends along a substantial width between the edges of said thumb support in order to accommodate the width of the user's thumb, protruding outwardly laterally along an inner edge near a distal end of the first end therefrom, the method comprising; (a) locating a trigger point on the human body; (b) grasping the thumb support member with the pinky, middle, and ring fingers of the user's hand with the



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thumb support member being in the palm of the user's hand therein; (c) placing the bottom surface of the thumb in the center portion of the front side of the handle with the index finger supporting the backside of the handle; (d) applying adequate sustained pressure to the located trigger point of the body with the second end of the handle; and (e) repeating step (d) until adequate treatment is applied to all predetermined trigger points areas of the body.

38. (New) A method of applying pressure to small stripping areas of the human body utilizing hand-held device comprising a handle, defined by an inner edge, lower edge, first end and opposite second end; a thumb support member being integrally connected to the first end of the handle in a substantially perpendicular relationship to a longitudinal axis of the handle-and protruding outwardly laterally along the inner edge near a distal end of the first end therefrom to a sensor tip portion having a semi-spherical shape extending beyond an outer peripheral edge of the thumb support member forming an apex point, the sensor tip portion being adapted to apply direct pressure to predetermined treatment areas on the body and the thumb support member being dimensioned to support the circumference of a user's thumb wherein while in use the user thumb rests in a natural position parallel to the plane of the palm and a groove formed in said thumb support, said groove forming an indentation and being of a width that extends along a substantial width between the edges of said thumb support in order to accommodate the width of the user's thumb, protruding outwardly laterally along an inner edge near a distal end of the first end therefrom, the method comprising; (a) locating a small stripping area on the human body; (b) grasping the handle with the pinky, middle, index, and ring fingers of the user's hand with the handle in a horizontal position in the palm of the user's hand. (c) placing the outer side of the thumb diagonally across the lower portion of the thumb support member; (d) applying gliding

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pressure to the located small stripping area of the body with the outer curved peripheral edge of the thumb support member from the point of origin of the muscle to the point of insertion of the muscles; and (e) repeating step (d) until adequate treatment is applied to all predetermined small stripping areas of the body.

39 (New) A method of applying pressure to large stripping areas of the human body utilizing a hand-held device comprising a handle, defined by an inner edge, lower edge, first end and opposite second end; a thumb support member being integrally connected to the first end of the handle in a substantially perpendicular relationship to a longitudinal axis of the handle-and protruding outwardly laterally along the inner edge near a distal end of the first end therefrom to a sensor tip portion having a semi-spherical shape extending beyond an outer peripheral edge of the thumb support member forming an apex point, the sensor tip portion being adapted to apply direct pressure to predetermined treatment areas on the body and the thumb support member being dimensioned to support the circumference of a user's thumb wherein while in use the user thumb rests in a natural position parallel to the plane of the palm and a groove formed in said thumb support, said groove forming an indentation and being of a width that extends along a substantial width between the edges of said thumb support in order to accommodate the width of the user's thumb, protruding outwardly laterally along an inner edge near a distal end of the first end therefrom, the method comprising: (a) locating a large stripping area on the human body; (b) grasping the upper portion of the handle in the palm of the hand with the middle, ring, pinky, and index fingers supporting the backside of the upper portion of the handle near the point of integration between the handle and the thumb support member; (c) placing the bottom surface of the thumb in the center portion of the thumb support member; (d) applying gliding pressure to

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the located large stripping area of the body with the inner curved peripheral edge of the device from the point of origin of the muscle to the point of insertion of the muscles; and (e) repeating step (d) until adequate treatment is applied to all predetermined large.